



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
JUDICIARY

Tuesday, November 10, 2015 12:00 p.m. Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Members absent/excused: None.

Representative Lucido moved to adopt the minutes of November 3, 2015. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bills before the committee:

| | | |
|---------|---------------|--|
| HB 5028 | (Kesto) | Courts; other; electronic access to courts; allow. |
| HB 5029 | (Heise) | Courts; other; electronic access to courts; allow. |
| HB 5030 | (Price) | Courts; other; electronic access to courts; allow. |
| SB 531 | (Jones) | Courts; other; electronic filing system; authorize the state court administrative office to establish. |
| SB 532 | (Proos) | Courts; other; judicial electronic filing fund; establish. |
| SB 533 | (Schuitmaker) | Courts; other; electronic access to courts; allow court or court funding unit to charge certain fees. |

The following individuals submitted cards in support of the bills but did not wish to speak:

Lorray Brown, representing the Michigan Poverty Law Program.

Mike Pendy, representing the Prosecuting Attorneys Association.

Michael H. R. Buckles, representing the Michigan Creditors Bar Association.

Representative Lucido moved to adopt the substitute (H-1) to HB 5028. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin,

Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Representative Lucido moved to report out HB 5028 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Howrylak.

Representative Heise moved to adopt the substitute (H-1) to HB 5029. The motion prevailed the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Representative Heise moved to report out HB 5029 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Howrylak.

Representative Lucido moved to adopt the substitute (H-1) to HB 5030. The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Howrylak.

Representative Irwin moved to report out HB 5030 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.
Pass: Rep. Howrylak.

Representative Heise moved to adopt the substitute (H-2) to SB 531. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.
Nays: None.
Pass: None.

Representative Irwin moved to report out SB 531 with recommendation as substitute (H-2). The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Cole, Runestad, Irwin, Robinson, Chang, Guerra.
Nays: None.
Pass: Rep. Howrylak.

Representative Lucido moved to adopt the substitute (H-1) to SB 532. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.
Nays: None.
Pass: None.

Representative Lucido moved to report out SB 532 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Cole, Runestad, Irwin, Robinson, Chang, Guerra.
Nays: None.
Pass: Rep. Howrylak.

Representative Heise moved to adopt the substitute (H-2) to SB 533. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.
Nays: None.

Pass: None.

Representative Irwin moved to report out SB 533 with recommendation as substitute (H-2). The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

SB 529 (Emmons) Children; guardians; relative guardianship assistance act; modify to include a successor guardian provision.

SB 530 (Emmons) Children; foster care; definition of relative; modify, and add definition of sibling.

Senator Emmons along with Stacie Bladen and Catherine Hoover, representing the Michigan Department of Health and Human Services, testified in support of the bills. Questions and discussion followed.

Representative Lucido moved to adopt the substitute (H-1) to SB 529. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Representative Lucido moved to report out SB 529 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Cole.

Representative Lucido offered the following amendment to SB 530:

1. Amend page 10, line 11, by striking out all of enacting section 1.

Representative Lucido moved to adopt the amendment to the bill. The motion prevailed, the

vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None

Representative Lucido moved to report out SB 530 with recommendation, as amended, as substitute (H-1). The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None

Chairman Kesto laid the following bill before the committee:

HB 4747 (Hughes) Property; other; adverse possession; prohibit against local units of government.

Representative Heise offered the following amendments to HB 4747:

1. Amend page 2, line 3, after "**acquiescence**" by inserting "**for the statutory period**".
2. Amend page 2, line 5, by striking out all of subsection **(3)** and renumbering the remaining subsections.
3. Amend page 2, line 12, after "subsection" by striking out "**(5)**" and inserting "(4)".

Representative Heise moved to adopt the amendments to the bill. The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Cole.

Representative Heise moved to report out HB 4747 with recommendation, as amended, as substitute (H-1). The motion prevailed, the vote being 9-2-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Runestad, Irwin, Chang, Guerra.
Nays: Reps. Cole, Robinson.
Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 4413 (Hovey-Wright) Crime victims; other; address confidentiality program for victims of domestic violence crimes; create.

Representative Irwin moved to report HB 4413 with the recommendation that the bill be referred to the Committee on Criminal Justice. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.
Nays: None.
Pass: None.

Chairman Kesto laid the following bills before the committee:

HB 4980 (Kesto) Criminal procedure; sentencing guidelines; guidelines for crime of knowingly providing false information concerning an ignition interlock device; revise.

SB 176 (Schuitmaker) Crimes; intoxication or impairment; oversight for ignition interlock servicing centers; provide for department of state.

SB 357 (Schuitmaker) Occupations; vehicles, dealers and repair facilities; breath alcohol ignition interlock mechanics and servicers; include in motor vehicle service and repair act.

Chairman Kesto laid the committee at ease, the time being 12:33 p.m.
Chairman Kesto called the committee back to order, the time being 12:38 p.m.

Tyler MacEachran, representing MADD Michigan, testified in support of SB 176 and SB 357. Questions and discussion followed.

Brad Fralick, representing the Coalition of Ignition Interlock Manufacturers, testified in support of SB 176 and SB 357. Questions and discussion followed.

Michele Compton, representing Alcohol Detection Systems and Michigan Interlock, Chris Brott, representing Michigan Interlock, and Thaddeus Lake, representing Michigan Interlock, testified in opposition to SB 176 and SB 357. Questions and discussion followed.

Cynthia Stolber, representing herself, and Cass Daniels, representing Wow Electronics, testified in opposition to SB 176 and SB 357. Questions and discussion followed.

The following individuals submitted a card but did not wish to speak:

Sgt. Tim Fitzgerald, representing the Michigan State Police, supports SB 176 and SB 357.

Ray Fisher, representing Automotive Service Association of Michigan, supports SB 357 and submitted written testimony.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 1:16 p.m.

Representative Klint Kesto, Chair_____

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